

REMARKS***Summary of the Amendment***

Upon entry of the above amendment, 1, 7, 8, 19, 32, and 33 will have been amended. Accordingly, claims 1 - 20, 32, and 33 currently remain pending.

Summary of the Official Action

In the instant Office Action, the Examiner has rejected claims 1 - 20, 32, and 33 based upon formal matters and over the art of record. By the present amendment and remarks, Applicants submit that the objections and rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Amendments to the Claims

By the present amendment, claims 1, 7, 8, 19, 32, and 33 have been amended to address and overcome the formal matters noted by the Examiner. In particular, the terminology used in these claims has been revised to ensure that the sufficient antecedent basis is provided in the claims for all recited features.

As the instant amendment relates to formal matters that do not narrow the scope of the claims, but merely clarify the terminology recited in the claims, Applicants submit that no estoppel should be deemed to attach.

Applicants further note that claim 1 has been amended to address the Examiner's

formal rejection regarding an essential element. In this regard, the Examiner is under the mistaken impression that a necessary or essential element has been omitted from independent claim 1. While no means or structural elements have been disclosed in Applicants' disclosure as essential or necessary, Applicants have, in an effort to advance prosecution, further amended independent claim 1 in an effort to even more clearly recite the subject matter of the invention.

However, Applicants submit that this amendment does not narrow the scope of the claims, such that no estoppel should be deemed to attach.

Traversal of Rejection Under 35 U.S.C. § 112, First Paragraph

Applicants traverse the rejection of 1 - 20 under 35 U.S.C. § 112, first paragraph, as based upon a disclosure that is not enabling. The Examiner asserts that claim 1 fails to recite a critical or essential element to the practice of the invention, such that the claims are not enabled by the disclosure. Specifically, the Examiner asserts that a device for slowing down or speeding up the elastic transfer belt is not recited.

Applicants note that the instant rejection is based upon the CCPA's decision in *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). However, in contrast to the instant application, Applicants note that there is no disclosure in the instant application of necessary or essential subject matter, which must be recited in the claims. Further, Applicants note that there is no disclosure that the subject matter identified by the Examiner is necessary or

essential to the invention, such that the omission of the same from the claims would render the disclosure non-enabling.

Moreover, in an effort to advance prosecution of the instant application, Applicants have amended independent claim 1 to even more clearly show that no necessary or essential element has been omitted from the claims.

Because no necessary or essential feature has been omitted from the claims, Applicants submit that the instant disclosure is sufficient to enable one ordinarily skilled in the art to make and/or use the instant invention. Accordingly, Applicants request that the Examiner reconsider and withdraw the instant rejection of claims 1 - 20 under 35 U.S.C. § 112, first paragraph.

Traversal of Rejection Under 35 U.S.C. § 112, Section Paragraph

Applicants traverse the rejection of claims 1 - 20, 32, and 33 under 35 U.S.C. § 112, second paragraph, as being indefinite.

By the present amendment, claims 1, 7, 8, 19, 32, and 33 have been amended to address the formal matters noted by the Examiner in the instant Office Action. In particular, the term “transfer belt” in claims 1, 32, and 33 has been amended to clarify that this term refers to the previously recited “elastic transfer belt,” and the term “acceptance element” in claims 7, 8, and 19 has been amended to clarify that this term refers to the previously recited “accepting element.”

As the rejected claims have been amended in order to clarify the terminology utilized in the pending claims, Applicants submit that the instant rejection is moot. Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1 - 20, 32, and 33 under 35 U.S.C. § 112, second paragraph, and indicate that the claims are fully in compliance with the requirements of the statute.

Traversal of Rejection Under 35 U.S.C. § 102(b)

Applicants the rejection of claims 1 - 3, 9 - 15, and 18 - 20 under 35 U.S.C. § 102(b) as being anticipated by VALLIUS (U.S. Patent No. 5,690,791). The Examiner asserts that VALLIUS shows a transfer belt 17A for transferring a web from a press section to a dryer section, in which transfer belt 17A is an elastic belt with a smooth surface. Applicants traverse the Examiner's assertions.

Applicants' independent claim 1 recites, *inter alia*, an *elastic transfer belt* arranged to transfer the fibrous material web between an acceptance region and a delivery region, in which said elastic transfer belt is *arranged to be stretched more in a region of said accepting element than in a region of said delivery element*. Applicants submit that VALLIUS fails to disclose at least the above-noted features.

Applicants note that, while VALLIUS discloses a device for transferring a web from a press section to a dryer section, VALLIUS fails to disclose the structural features of the apparatus recited in at least independent claim 1. While acknowledging that the Examiner

is correct that belt 17A of VALLIUS has elastic properties, Applicants submit that the pending claims are not solely directed to the construction of the transfer belt as elastic, but also recite additional structures and/or arrangements of the recited elements within the apparatus which define the instant invention over VALLIUS.

Applicants' independent claim 1 specifically defines various regions within the apparatus, e.g., an acceptance region and a delivery region, and a specific arrangement of the elastic transfer belt that is not disclosed by the applied art of record. The acceptance region is defined as the region in which the material web is *accepted onto the elastic transfer belt* from the delivery element and the delivery region is defined as the region in which the material web is *delivered from the elastic transfer belt* to the accepting element. Thus, the delivery region of the elastic transfer belt is downstream of its acceptance region. Moreover, the elastic transfer belt is *arranged to be stretched more in the region of the accepting element than in the region of the delivery element*. Thus, according to the instant invention the transfer belt is arranged to be stretched more in the delivery region, which is downstream of the acceptance region, which is not disclosed by VALLIUS.

In contrast to the above-noted features, Applicants note that VALLIUS fails to provide any disclosure that elastic belt 17A is arranged to be stretched more in the (delivery) region of transfer roll 40', in which the web is delivered from belt 17A to an acceptance element (40'), than in the (acceptance) region of roll 21, in which the web is accepted onto

belt 17A from a delivery element (21), as is recited in at least independent claims 1 and 32.

Of course, Applicants are not implying that VALLIUS does not disclose that the *web* undergoes an elongation as it passes through the VALLIUS apparatus. Rather, Applicants are pointing out that, instead of the transfer belt being arranged to be stretched more at the accepting element than at the delivery element (in the manner recited in at least independent claim 1), VALLIUS discloses that the web is elongated in the equalizing nip. Thus, Applicants note that, instead of a purposeful and intentional stretching of the web as it is guided on the more stretched region of the transfer belt in the delivery region, the elongation of the web in VALLIUS is an unintentional result of processing in the equalization nip which must be compensated for by increasing the speed of the transfer belt.

That is, due to the elongation of the web in the equalization nip, VALLIUS is required to monitor a difference in speed between the web speed prior to the equalizing nip and the web speed after the equalizing nip to compensate for the resultant elongation of the web in the equalizing nip. However, in contrast to the present invention, VALLIUS fails to disclose that the elastic transfer belt is arranged to be stretched more in a region of the accepting element than in a region of the delivery element, rather, VALLIUS only discloses that the speed at which the belt is driven is adjusted to compensate for the elongation of the web leaving the equalizing nip.

To achieve the desired speed difference, VALLIUS monitors and adjusts the speed

at which belt 17A is driven. However, VALLIUS only discloses driving belt 17A at a speed necessary to compensate for the elongation of the web in the equalizing nip, and fails to provide any disclosure that the belt is arranged such that one region of the belt is stretched more than another region of the belt, and certainly no disclosure that belt 17A is arranged to be stretched more in a region of the accepting element than in a region of said delivery element, as recited in Applicants' independent claim 1.

Therefore, Applicants submit that, as VALLIUS fails to disclose at least the above-noted features of the instant invention, the applied art fails to disclose every recited feature of the instant invention. Thus, Applicants submit that the Examiner has failed to establish an adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. § 102(b), and that the instant rejection is improper and should be reversed and remanded to the examining group for further consideration and allowance.

While the Examiner has asserted that the stretching of the transfer belt is not a structural feature of the invention, Applicants cannot agree with the Examiner's assertions. In particular, Applicants note that the elastic belt of the instant invention is arranged in the apparatus so that a portion of the belt in the region of the accepting element (in the delivery region) is stretched more than another portion of the *same belt* in a region of the delivery element (in the acceptance region), and that such an arrangement of belt 17A of VALLIUS is not disclosed.

Applicants submit that the arrangement of the elastic belt creates in these regions of the elastic belt differing tensions, and that these differing tensions in the elastic transfer belt are structural features of the belt due to its arrangement of the belt within the apparatus. Thus, Applicants submit these recited features of the present invention must be shown by the art of record in order to maintain an anticipation rejection. As Applicants have shown that VALLIUS fails to disclose these features, and, moreover, that VALLIUS fails to provide any manner in which the elastic belt could be arranged to achieve the differing tensions provided in the Applicants' apparatus, the applied art cannot even arguably anticipate the instant invention.

Further, Applicants submit that claims 2, 3, 9 - 15 and 18 - 20 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. Moreover, Applicants submit that, as VALLIUS fails to disclose the features recited in claims 2, 3, 9 - 15, and 18 - 20 that further define the inventions recited in their respective base claims, these claims are likewise separately patentable over VALLIUS. Accordingly, Applicants submit that VALLIUS further fails to anticipate, *inter alia*, said elastic transfer belt is arranged in at least one of a region of a press section for dewatering and a drying section for drying the fibrous material web, as recited in claim 2; said fibrous material web comprises one of a paper, cardboard, and tissue web, as recited in claim 3; said elastic transfer belt is arranged to

travels between a press section and a drying section, as recited in claim 9; the fibrous material web is continuously guided by at least one roll or belt in said press section, as recited in claim 10; said elastic transfer belt is arranged to at least one of accept the fibrous material web without any open draw from said delivery element and deliver the fibrous material web without any open draw to said accepting element, as recited in claim 11; said delivery element comprises one of a roll and a belt, as recited in claim 12; said delivery element comprises a press felt, as recited in claim 13; said accepting element comprises one of a roll and a belt, as recited in claim 14; said accepting element comprises one of a drying cylinder and a suctioned roll, as recited in claim 15; said elastic transfer belt has a smooth surface, as recited in claim 18; a guide roll is arranged to guide said elastic transfer belt, and said guide roll is positioned between said delivery of the fibrous material web to said acceptance element and said acceptance of the fibrous material web from said delivery element, as recited in claim 19; and said guide roll comprises a suctioned roll, as recited in claim 20.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1 - 3, 9 - 15, and 18 - 20 under 35 U.S.C. § 102(b) and indicate that these claims are allowable.

Traversal of Rejection Under 35 U.S.C. § 103(a)

Applicants traverse the rejection of claims 4 - 8, 16, 17, 32, and 33 under 35 U.S.C. § 103(a) as being unpatentable over VALLIUS. The Examiner notes that VALLIUS fails

to disclose a guide roll that rotates faster than at least one other guide roll, but he asserts that it would have been obvious to modify VALLIUS to include such a feature since VALLIUS discloses that it is possible to employ a speed difference to stretch the transfer belt 17A. Applicants traverse the Examiner's assertions.

As discussed above, Appellants' independent claim 1 recites, *inter alia*, an *elastic transfer belt* arranged to transfer the fibrous material web between an acceptance region and a delivery region, in which said elastic transfer belt is *arranged to be stretched more in a region of the accepting element belt than in a region of the delivery element*. Further, Appellants' independent claim 32 recites, *inter alia*, an *elastic transfer belt* arranged to transfer the fibrous material web between an acceptance region and a delivery region, a first guide roll arranged to drive said elastic transfer belt in a zone of said accepting element, a second guide roll arranged to drive said elastic transfer belt in a zone of said delivery element, and *said first guide roll is structured and arranged to drive said elastic transfer belt, in said zone of said accepting element, at a speed faster than a speed at which said second guide roll is structured and arranged to drive said elastic transfer belt in said zone of said delivery element*. Appellants submit that VALLIUS fails to disclose at least the above-noted features.

As discussed above, VALLIUS fails to anticipate the invention recited in at least independent claim 1. Moreover, Applicants submit that, as VALLIUS merely discloses a

speed control of elastic belt 17A in order to compensate for the elongation of the web occurring in the equalizing nip, there is no teaching or suggestion of arranging transfer belt 17A of VALLIUS *to be stretched more in a region of the accepting element belt than in a region of the delivery element.*

Further, as the arrangement of the elastic transfer belt in the instant invention causes the web to be stretched as it is being conveyed on the elastic transfer belt, VALLIUS would not have rendered the instant invention obvious. That is, as VALLIUS controls the speed of the transfer belt to compensate for an elongation of the web occurring in the equalization nip, there is no suggestion of regions of the belt having differing tensions.

Moreover, Applicants note that VALLIUS fails to teach or suggest the recited guide rolls and/or speed differentials which are utilized to drive the elastic transfer belt so as to achieve the recited stretching, as recited in at least claims 4 - 8 and 32. That is, because VALLIUS fails to disclose the specifically recited stretching of the elastic transfer belt, as well as the other recited structured and arrangement of the guide rolls, Applicants submit that VALLIUS fails to teach or suggest at least claims 4 - 8 and 32 of the instant application.

Further, Applicants submit that claims 4 - 8, 16, 17, and 33 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further defines the invention over the art of record. In particular, Applicants submit that VALLIUS fails to teach or suggest, *inter alia*, guide rolls

arranged to control speeds of said elastic transfer belt, at least one of said guide rolls being positioned in, or subsequently to, a region of delivery of the fibrous material web by said elastic transfer belt, and at least one other guide roll positioned in, or subsequent to, a region of acceptance of the fibrous material web by said elastic transfer belt, wherein said at least one guide roll is arranged to rotate faster than said at least one other guide roll, as recited in claim 4; at least one additional roll is positioned in said region of acceptance of the fibrous material web by said elastic transfer belt has about a same speed as said at least one other guide roll, as recited in claim 5; said at least one guide roll is positioned behind, relative to a web travel direction, said region of delivery of the fibrous material web to said elastic transfer belt, as recited in claim 6; a speed of said elastic transfer belt during said acceptance of the fibrous material web by said elastic transfer belt is about 0.2% to 5.0% lower than during said delivery of the fibrous material web to said acceptance element, as recited in claim 7; said speed of said elastic transfer belt during said acceptance of the fibrous material web by said elastic transfer belt is about 0.5% to 4.0% lower than during said delivery of the fibrous material web to said acceptance element, as recited in claim 8; said elastic transfer belt is permeable, as recited in claim 16; suction devices arranged on sides of said elastic transfer belt opposite to the fibrous material web, as recited in claim 17; and said transfer belt is structured and arranged to be stretched more in said zone of said accepting element than in said zone of said delivery element, as recited in claim 33.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 4 - 8, 17, 18, 32, and 33 under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

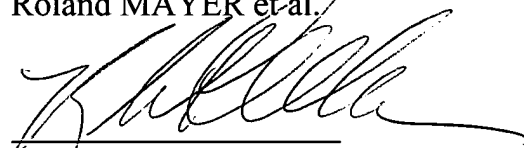
The Commissioner is authorized to charge to Deposit Account No. 19 - 0089 any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, in order to maintain pendency of this application.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 1 - 20, 32, and 33. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

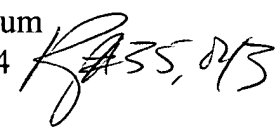
Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,
Roland MAYER et al.

A handwritten signature in black ink, appearing to read 'Neil F. Greenblum', written over a horizontal line.

Neil F. Greenblum

Reg. No. 28,394

Handwritten initials or a reference code, 'RA35, 013', written in black ink.

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